

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

STATE OF OHIO, *et al.*,

Plaintiffs,

vs.

KHADIJAH NIA BEY,

Defendant.

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CASE NO. 1:16-CV-2177

ORDER OF REMAND

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Pro se litigant Khadijah Nia Bey initiated this action by filing a “Legal Notice of Removal” of a traffic case from Rocky River Municipal Court. (Doc. No. 1). Her Notice of Removal is incomprehensible and does not set forth an intelligible basis for removal. She appears to contend her rights have been violated in the Rocky River Municipal Court traffic case, and she seeks monetary relief from the State of Ohio, the City of Rocky River, Rocky River Municipal Court, and others involved in the traffic case.

This action must be remanded to the Rocky River Municipal Court. Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” The party seeking removal bears the burden of demonstrating jurisdiction. *Eastman v. Marine Mech. Corp.*, 438 F.3d 544, 549–50 (6th Cir. 2006).

Nia Bey is attempting to remove a criminal traffic case, not a civil case, and the case is not removable. A defendant may remove a criminal prosecution only in limited circumstances, not established here. *See* 28 U.S.C. §1443.

Accordingly, this action is remanded to the Rocky River Municipal Court.

IT IS SO ORDERED.

Dated: September 19, 2016

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE